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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/605,788

10/27/2003

Aaron L. Mills

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EXAMINER

MANCHO, RONNIE M

ART UNIT

PAPER NUMBER

3664

NOTIFICATION DATE

DELIVERY MODE

04/01/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ANGELA@I3LAW.COM  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/605,788	<b>Applicant(s)</b> MILLS ET AL.	
	<b>Examiner</b> RONNIE MANCHO	<b>Art Unit</b> 3664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/9/10 has been entered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Amended claim 7 calls for “transmitting said updated pre-coded setting signal in response to a pulse-coded signal”. There is no support for the limitation, “transmitting said updated pre-coded setting signal in response to a pulse-coded signal” in applicant’s original disclosure.

This is new matter.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 6-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Obradovich (US 2005/0080528).

Regarding claim 1, Obradovich (abstract, figs. 1, 3, 10, 11; sec. 0079, 0081 to 0088, 0149) discloses a wireless vehicle communication update system for a vehicle comprising:

an automotive vehicle comprising a vehicle central processing unit, said vehicle central processing unit containing manufacturer pre-coded settings contained within, said manufacturer pre-coded settings including engine control pre-coded settings (sec. 0080, 0081 to 0084);

a vision sensor coupled to said automotive vehicle and wirelessly detecting an updated pre-coded setting signal from an off-board vehicle setting update device (sec. 0081, 0088); and

a vehicle controller comprising logic configured to update said vehicle central processing unit by updating at least one manufacturer pre-coded settings in response to said updated pre-coded setting signal (sec. 0079, 0081 to 0088, 0149).

Regarding claim 2, Obradovich (abstract, figs. 1, 3, 10, 11; sec. 0079, 0081 to 0088, 0149) discloses the system as in claim 1 wherein said vision sensor comprises at least one vision

Art Unit: 3664

sensor selected from a camera, a charged coupled device, a bar code reader, an infrared detector, and a photodiode (sec. 0081, 0088).

Regarding claim 3, Obradovich (abstract, figs. 1, 3, 10, 11; sec. 0079, 0081 to 0088, 0149) discloses the (Currently Amended) A system as in claim 1 wherein said vision sensor detects said updated pre-coded setting signal from an off-board vehicle setting update device, said off-board vehicle setting update device generating no active signal (sec. 0079, 0081 to 0088, 0149).

Regarding claim 6, Obradovich (abstract, figs. 1, 3, 10, 11; sec. 0079, 0081 to 0088, 0149) discloses the system as claim 1 wherein said vision sensor detects said updated pre-coded setting signal from an off-board vehicle setting update system (sec. 0079, 0081 to 0088, 0149).

Regarding claim 7, Obradovich (abstract, figs. 1, 3, 10, 11; sec. 0079, 0081 to 0088, 0149) discloses the system as in claim 6 wherein said off-board vehicle setting update system comprises:

a transmitter transmitting said updated pre-coded setting signal in response to a pulse-coded signal (sec. 0079, 0081 to 0088, 0149);

a signal generator generating said pulse-coded signal (sec. 0079, 0081 to 0088, 0149);  
and

an update controller determining said at least one manufacturer pre-coded setting to update and causing generation and transmission of said pulse-coded signal and said updated pre-coded setting signal in response said at least one manufacturer pre-coded setting (sec. 0079, 0081 to 0088, 0149).

Art Unit: 3664

Regarding claim 8, Obradovich (abstract, figs. 1, 3, 10, 11; sec. 0079, 0081 to 0088, 0149) discloses the system as in claim 1 further comprising a signal processor receiving and formatting said updated pre-coded setting signal for said vehicle controller, said vehicle controller updating said at least one manufacturer pre-coded settings in response to said formatted updated pre-coded setting signal (sec. 0079, 0081 to 0088, 0149).

Regarding claim 2, Obradovich (abstract, figs. 1, 3, 10, 11; sec. 0079, 0081 to 0088, 0149) discloses the system as in claim 1 wherein said controller in updating said at least one setting comprises adjusting at least one manufacturer pre-coded setting selected from a memory setting, a switch state, and a variable setting (sec. 0079, 0081 to 0088, 0149).

Regarding claim 10, Obradovich (abstract, figs. 1, 3, 10, 11; sec. 0079, 0081 to 0088, 0149) discloses the system as in claim 1 wherein said controller in updating said at least one manufacturer pre-coded setting updates a manufacturer pre-coded setting selected from at least one of a vehicle performance setting, a vehicle safety system setting, a software setting, a communication setting, a diagnostic setting, a system configuration, a dealer option setting, and a factory option setting (sec. 0079, 0081 to 0088, 0149).

Regarding claim 11, Obradovich (abstract, figs. 1, 3, 10, 11; sec. 0079, 0081 to 0088, 0149) discloses the system as in claim 1 further comprising an indicator coupled to said vehicle controller and indicating at least one manufacturer pre-coded setting (sec. 0079, 0081 to 0088, 0149).

Regarding claim 12, Obradovich (abstract, figs. 1, 3, 10, 11; sec. 0079, 0081 to 0088, 0149) discloses the system as in claim 1 further comprising an indicator coupled to said vehicle

Art Unit: 3664

controller and indicating when said vehicle information signal is received (sec. 0079, 0081 to 0088, 0149).

### ***Response to Arguments***

6. Applicant's arguments filed 2/9/10 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 1-3, 6-12 have been considered but are moot in view of the new ground(s) of rejection based on new art.

### ***Communication***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RONNIE MANCHO whose telephone number is (571)272-6984. The examiner can normally be reached on Mon-Thurs: 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Khoi can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3664

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ronnie Mancho/  
Examiner, Art Unit 3664

3/29/2010